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12 ELIDORO VALENSIA

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ELIDORO VALENSIA,  
Defendant.

Case No. 1:97-cr-05114-AWI-1  
**STIPULATED MOTION AND ORDER TO  
REDUCE SENTENCE PURSUANT TO 18  
U.S.C. § 3582(c)(2)**  
RETROACTIVE DRUGS-MINUS-TWO  
REDUCTION CASE  
Judge: Honorable ANTHONY W. ISHII

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Defendant, ELIDORO VALENSIA, by and through his attorney, Assistant Federal  
Defender Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through  
its counsel, Assistant U.S. Attorney Kathleen A. Servatius, hereby stipulate as follows:

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1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of  
imprisonment in the case of a defendant who has been sentenced to a term of imprisonment  
based on a sentencing range that has subsequently been lowered by the Sentencing Commission  
pursuant to 28 U.S.C. § 994(o);

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2. On March 12, 1999, this Court sentenced Mr. Valensia to a term of 262 months  
imprisonment;

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3. His total offense level was 39, his criminal history category was I, and the  
resulting guideline range was 262 to 327 months;

1           4. On September 22, 2004, this Court granted, in part, Mr. Valensia's motion to  
2 reduce his sentence pursuant to 28 U.S.C. § 2255, and reduced his sentence 28 months for time  
3 served in state custody, for a total term of 234 months;

4           5. The sentencing range applicable to Mr. Valensia was subsequently lowered by the  
5 United States Sentencing Commission in Amendment 782, made retroactive on July 18, 2014,  
6 see 79 Fed. Reg. 44,973, with an effective date of any such reduction as of November 1, 2015;

7           6. Mr. Valensia's total offense level has been reduced from 39 to 37, and his  
8 amended guideline range is 210 to 262 months;

9           7. Accordingly, the parties request the Court enter the order lodged herewith  
10 reducing Mr. Valensia's term of imprisonment to a total term of 210 months, provided however,  
11 that if, as of November 1, 2015 (the effective date of this reduction), this sentence is less than the  
12 amount of time the defendant has already served, the sentence is reduced to a time served  
13 sentence.

14           Respectfully submitted,

15           Dated: October 14, 2015

16           BENJAMIN B. WAGNER  
17           United States Attorney

18           /s/ Kathleen A. Servatius  
19           KATHLEEN A. SERVATIUS  
Assistant U.S. Attorney

20           Attorney for Plaintiff  
21           UNITED STATES OF AMERICA

                 Dated: October 14, 2015

                 HEATHER E. WILLIAMS  
Federal Defender

/s/ Hannah R. Labaree  
                 HANNAH R. LABAREE  
Assistant Federal Defender

                 Attorney for Defendant  
                 ELIDORO VALENSIA

22           **ORDER**

23           This matter came before the Court on the stipulated motion of the defendant for reduction  
24 of sentence pursuant to 18 U.S.C. § 3582(c)(2).

25           The parties agree, and the Court finds, that Mr. Valensia is entitled to the benefit  
26 Amendment 782, which reduces the total offense level from 39 to 37, resulting in an amended  
27 guideline range of 210 to 262 months.

1 IT IS HEREBY ORDERED that the term of imprisonment imposed in September 2004 is  
2 reduced to a term of 210 months, effective November 1, 2015. If this sentence is less than the  
3 amount of time the defendant has already served as of November 1, 2015, the sentence is  
4 reduced to a time served sentence. In no event is this Order to be understood as authorizing  
5 release prior to November 1, 2015 or authorizing a term of imprisonment less than the term  
6 actually served on November 1, 2015.

7 IT IS FURTHER ORDERED that all other terms and provisions of the original judgment  
8 remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above  
9 reduction in sentence, an effective date of the amended judgment as November 1, 2015, and shall  
10 serve certified copies of the amended judgment on the United States Bureau of Prisons and the  
11 United States Probation Office.

12 Unless otherwise ordered, Mr. Valensia shall report to the United States Probation Office  
13 within seventy-two hours after his release.

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15 IT IS SO ORDERED.

16 Dated: October 15, 2015

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SENIOR DISTRICT JUDGE